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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 **STATE OF CALIFORNIA, STATE OF**
14 **NEW YORK, COMMONWEALTH OF**
15 **PENNSYLVANIA, STATE OF**
16 **COLORADO, STATE OF**
17 **CONNECTICUT, STATE OF**
18 **DELAWARE, STATE OF ILLINOIS,**
19 **STATE OF MAINE, STATE OF**
20 **MARYLAND, PEOPLE OF THE STATE**
21 **OF MICHIGAN, STATE OF NEW**
22 **JERSEY, STATE OF NEW MEXICO,**
23 **STATE OF NORTH CAROLINA, STATE**
24 **OF OREGON, STATE OF RHODE**
25 **ISLAND, STATE OF VERMONT, STATE**
26 **OF WASHINGTON, DISTRICT OF**
27 **COLUMBIA, CITY OF NEW YORK, and**
28 **the BAY AREA AIR QUALITY**
MANAGEMENT DISTRICT,

Plaintiffs,

v.

25 **UNITED STATES POSTAL SERVICE,**
26 **and LOUIS DEJOY, in his official capacity**
27 **as United States Postmaster General,**

Defendants.

Case Nos. 3:22-cv-02583-RFL
3:22-cv-02576-RFL

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER ANOTHER
PARTY'S MATERIALS SHOULD BE
SEALED**

**CLEANAIRNOW; CENTER FOR
BIOLOGICAL DIVERSITY; and SIERRA
CLUB,**

Plaintiffs,

v.

**LOUIS DEJOY, in his official capacity as
U.S. Postmaster General; and U.S. POSTAL
SERVICE,**

Defendants.

Pursuant to Civil Local Rules 7-11 and 79-5(f), Plaintiffs hereby bring this Administrative Motion to Consider Whether Another Party's Material Should Be Sealed in connection with Plaintiffs' Consolidated Motion for Summary Judgment filed on May 24, 2024. Plaintiffs understand that Defendants United States Postal Service and Louis DeJoy, in his official capacity as United States Postmaster General ("Defendants") may claim that Plaintiffs' motion, which cites administrative record material that Defendants have marked "Confidential," contains confidential information. Thus, Plaintiffs have conditionally filed a redacted version of their Consolidated Motion for Summary Judgment. Plaintiffs file this motion to afford Defendants the opportunity to file any statement and/or declaration in support of sealing that it deems necessary in accordance with Civil Local Rule 79-5(f)(3).

Under Civil Local Rule 79-5(f), when a party seeks to seal a document that has been designated as confidential by another party or non-party, the moving party must file a Motion to Consider Whether Another Party's Material Should Be Sealed. The motion must "identify each document or portions thereof for which sealing is sought." Civ. L.R. 79-5(f)(1). "Within 7 days of the motion's filing, the Designating Party must file a statement and/or declaration as described in [Civil Local Rule 79-5(c)(1)]." Civ. L.R. 79-5(f)(3). "If any party wishes to file a response, it must do so no later than 4 days after the Designating Party files its statement and/or declaration." Civ. L.R. 79-5(f)(4).

1 Plaintiffs respectfully request that the Court consider whether the following information in
2 Plaintiffs' Consolidated Motion for Summary Judgment should remain redacted:

- 3 • Page 22, lines 24-26
- 4 • Page 23, lines 8-11
- 5 • Page 24, lines 5-7
- 6 • Page 24, lines 12-13
- 7 • Page 24, lines 15-21
- 8 • Page 25, lines 6-9
- 9 • Page 30, lines 1-3
- 10 • Page 32, footnote 9, lines 1-3
- 11 • Page 38, lines 26-27

12
13 The identified information quotes and/or references administrative record material that
14 was marked "Confidential" and "Subject to Protective Order" pursuant to the parties' Stipulated
15 Protective Order. *See* Dkt. 77 in Case No. 3:22-cv-02576-RFL; Dkt. 151 in Case No. 3:22-cv-
16 02583-RFL. Attached to this motion is an unredacted copy of Plaintiffs' Consolidated Motion for
17 Summary Judgment, with the proposed redactions highlighted in blue, for this Court's
18 consideration.

19 In compliance with Local Rule 5-1(h), the filer of this document attests that all signatories
20 listed have concurred in the filing of this document.

21
22 Dated: May 24, 2024

Respectfully submitted,

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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1

I hereby certify that the above counsel in Case Nos. 3:22-cv-02583 and 3:22-cv-02576
have concurred in the filing of this document.

/s/ Stacy J. Lau
Stacy J. Lau

CERTIFICATE OF SERVICE

I hereby certify that, on May 24, 2024, I electronically filed the foregoing document with the Clerk of the Court using the ECF System, which will send notification of such filing to all counsel of record by operation of the Court's ECF System.

/s/ Adriano L. Martinez
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